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¹Plaintiff filed a First Amended Complaint on June 21, 2010.

appoint counsel for indigent persons under "exceptional circumstances." <u>Terrell v. Brewer</u>, 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the 'likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.' Neither of these issues is dispositive and both must be viewed together before reaching a decision." <u>Id.</u> (quoting <u>Wilborn v. Escalderon</u>, 789 F.2d 1328, 1331 (9th Cir. 1986)).

Upon review, the Court concludes neither the interests of justice nor exceptional circumstances warrant appointment of counsel at this time. Plaintiff has not demonstrated there is a danger of losing his physical liberty, nor that he is indigent. In fact, Plaintiff states, "I am not claiming to be economically disadvantaged," and "I probably can afford to obtain a private attorney." Rather, the basis for Plaintiff's motion is that he has been unable to find an attorney willing to represent him on a contingency fee basis. In addition, the Court is unable to assess the potential merit of Plaintiff's case based on the Complaint, or from the documentation of Plaintiff's search for an attorney, which he has also submitted.

Accordingly the Court DENIES the motion for appointment of counsel.

IT IS SO ORDERED.

DATED: June 29, 2010

IRMA E. GONZALEZ, Chief Judge United States District Court

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